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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,650	12/11/2003	William D. Hillis	0803-003-005B-000000	9087
80118 7590 10/30/2008 Constellation Law Group, PLLC P.O. Box 220 Tracyton, WA 98393				
EXAMINER JEAN, FRANTZ B				
ART UNIT		PAPER NUMBER		
2454				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/734,650

Applicant(s)

HILLIS ET AL.

Examiner

Frantz B. Jean

Art Unit

2454

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-80 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-80 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date 8/29/08
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

This office action is In response applicants' arguments filed on 07/07/08. Claims 1-80 are still pending in this application.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 08/29/08 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 112

The term "approximately" in claims 1-80 is a relative term which renders the claim indefinite. The term "approximately" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The term approximately is indefinite and vague. Examiner is unable to determine the exact range of time first and second network temporal addresses were being applied. Correction is required.

Claims 1-80 recite the limitation "first part and second part". There is insufficient antecedent basis for this limitation in the claim.

Furthermore, the term first and second part renders the claims vague, unclear and indefinite. Examiner is unable to determine which item or element the cited parts are associated with. Correction is required.

Specification

The abstract fails to summarize the limitations of claims 73-80, which recite spatial-to-temporal address converter. Correction is required.

The title is not well defined and descriptive because claims 1-72 fail to recite the spatial-to temporal translated data, which is the main component of the invention.

Furthermore, the cross-reference to related applications must be updated in the specification by providing the correct application or patent number of the related applications cited in the specification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-80 are rejected under 35 U.S.C. 102(b) as being anticipated by Jaeger US patent number 6,345,028 B1.

As per claim 1, Jaeger teaches a method comprising: receiving a request for data having at least one specific content (see fig 1; col. 5 lines 49-52; reading track from a disk requires a request or commands); obtaining one or more first-network temporal addresses corresponding to the at least one specific content, in response to the request for data having the at least one specific content (fig 1; col. 5 lines 52-67; temporal

addresses/time stamps); obtaining one or more second-network temporal addresses corresponding to the at least one specific content, in response to the request for data having the at least one specific content (col. 4 lines 3-13; col. 8 lines 35-45; col. 9 lines 35-54); and constructing the at least one content from the first network and the second network (col. 4 lines 3-13; col. 8 lines 35-45; col. 9 lines 35-54; Jaeger appears to teach first and second network see col. 8 lines 35-45). Furthermore, different disk can be located or part of different network col. 5 lines 45-67).

In addition, Jaeger teaches applying the one or more first-network temporal addresses to receive a first part of the at least one specific content from a first network while approximately at the same time applying the one or more second-network temporal addresses to receive a second part of the at least one specific content from a second network (since different disks can be part of different networks, Jaeger teaches the above limitations and assembled/constructed into composite data the temporal segments; see col. 4 lines 3-13; col. 8 lines 35-45 and col. 9 lines 35-54; fig 5 and 6A).

As per claim 2, Jaeger teaches a method of claim 1, wherein said receiving a request for data having at least one specific content further comprises: receiving a request for at least a portion of recorded video (see fig 5; col. 8 lines 36-46).

As per claim 3, Jaeger teaches a method of claim 1, wherein said receiving a request for data having at least one specific content further comprises: receiving a request for at least a portion of recorded audio (fig 5; col. 8 lines 36-46).

As per claim 4, Jaeger teaches a method of claim 1, wherein said receiving a request for data having at least one specific content further comprises: receiving a request for at least a portion of recorded audio and video (fig 5; col. 8 lines 36-46).

As per claim 5, Jaeger teaches a method of claim 1, wherein the receiving a request for data having at least one specific content further comprises: receiving a request for at least a portion of at least one of computer processable and network processable data (fig 5 col. 8 lines 36-46; audio, video and data tracks are computer and network processable).

As per claim 6, Jaeger teaches a method of claim 1, wherein said obtaining one or more first-network temporal addresses corresponding to the at least one specific content, in response to the request for data having the at least one specific content further comprises: associating the specific content with one or more times of one or more first network transmitted data portions (col. 5 lines 52-63; col. 8 lines 35-61).

As per claim 7, Jaeger teaches a method of claim 6, wherein said associating the specific content with one or more times of one or more first network transmitted data portions further comprises: consulting a first-network schedule having the specific content in association with the one or more times of the one or more transmitted data portions (col. 5 lines 52-63; col. 8 lines 35-61).

As per claim 8, Jaeger teaches a method of claim 7, wherein said consulting a first-network schedule having the specific content in association with the one or more times of the one or more transmitted data portions further comprises: consulting a first-network schedule published by at least one of a first-network source controller and a first-network source switch controller (fig 1; col. 5 lines 45-67).

As per claims 9-29 Jaeger teaches a method of claim 8, wherein said consulting a first-network schedule published by at least one of a first-network source controller and a first-network source switch controller further comprises: accepting input of the first-network schedule published by at least one of the first-network source controller and the first-network source switch controller; furthermore Jaeger discloses all the timing and scheduling aspects featured in the claims (see fig 1; col. 5 lines 45-67; col. 7 lines 39-52; see starting point time stamp, duration and others related term that can easily interpreted as scheduling and timing).

As per claims 30-36, they discuss first and second network and temporal address, which have already been dealt with in claim 1 above. Therefore, they are rejected under the same rationale.

Claims 37-72 is a system claim of the method claims 1-36 discussed above. They are rejected under the same rationale.

As per claim 73, Jaeger teaches a system comprising: a temporal address unit configured to receive a request for a substance of data (fig 1, 5 and 6; col. 7 lines 39-52 and col. 9 line 35 to col. 10 line 23).; and a data switch controller configured to generate one or more first-network temporal addresses and second-network temporal addresses in response to the request for the substance (col. 4 lines 3-13; col. 8 lines 35-45; col. 9 lines 35-54; Jaeger appears to teach first and second network see col. 8 lines 35-45).

Furthermore, different disk can be located or part of different network col. 5 lines 45-67);

apply the one or more first-network temporal addresses to receive a first part of the at least one specific content from a first network while approximately at the same time applying the one or more second-network temporal addresses to receive a second part of the at least one specific content from a second network; and

construct the at least one content from the first part and the second part (since different disks can be part of different networks, Jaeger teaches the above limitations and assembled/constructed into composite data the temporal segments; see col. 4 lines 3-13; col. 8 lines 35-45 and col. 9 lines 35-54; fig 5 and 6A).

As per claim 74-79, they discuss spatial-to-temporal translated data, content format and spatial format (see Jaeger col. 6 lines 49-67; fig 2; reordered audio, video, data tracks/signals being streamed from the RAM buffer are similar to "Spatial-to-temporal translated data").

As per claim 80, Jaeger teaches a system of claim 76, wherein said data switch controller configured to generate one or more first-network temporal addresses and second-network temporal addresses in response to the request for the substance further comprises: said data switch controller configured to access a first-network content transmission schedule and a second-network content transmission schedule (see fig 1; col. 5 lines 45-67; col. 7 lines 39-52; see starting point time stamp, duration and others related term that can easily interpreted as scheduling and timing).

Response to Arguments

Applicant's arguments filed 07/07/08 have been fully considered but they are not persuasive.

Applicants argued that Jaeger prior art fail to teach the claims' limitations.

Examiner submits that Jaeger was broadly interpreted, and therefore teaches all the limitations of the invention as claimed (see col. 4 lines 3-13; col. 8 lines 35-45 and col. 9 lines 35-54; fig 5 and 6A). The claims, as written, fail to reflect the purpose of the invention. Applicants are requested to make proper correction as mentioned above to clearly disclose the invention as recited in the title and the specification for further consideration.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz B. Jean whose telephone number is 571-272-3937. The examiner can normally be reached on 8:30-6:00 M-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Frantz B. Jean/
Primary Examiner, Art Unit 2454